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August 17, 2012

Via ECF

Magistrate Judge Lois Bloom
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11301

Re: **Hernandez et al. v. Immortal Rise, Inc. et al.**
11-CV-04360 (RRM) (LB)
MLG File No. 40-12

Dear Judge Bloom:

This firm is counsel to Defendants in the above-referenced matter. On August 14, 2012, Defendant received Plaintiffs' Reply Brief in support of their Motion to Certify the Class. The Reply Brief contains additional facts which were not set forth in Plaintiffs' initial papers. Accordingly, Defendants respectfully request that this Court permit Defendants to submit a Sur-Reply by August 24, 2012.

Plaintiffs do not consent to this request.

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s/
Joseph M. Labuda

cc: Suzanne B. Leeds, Esq. (via e-mail)